

City of Fayetteville Item Review Form

2013-0145

Legistar File Number

November 19, 2013

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Greg Tabor, Chief of Police

Police

Submitted By

Department

Action Required:

Staff seeks Council approval to adopt Fayetteville Police Department Policies: 1.2.4, Domestic Violence; 33.1, Training; 41.2.8, Vehicular Pursuit; 41.2.9, Foot Pursuit; 41.2.11, Use of Department Vehicles; 61.1, Traffic Enforcement, and; 61.3, Traffic Direction and Control.

Does this item have a cost?

Cost of this request	Category or Project Budget	Program or Project Name
Account Number	Funds Used to Date \$0.00	Program or Project Category
Project Number	Remaining Balance	Fund Name
Budgeted Item? <input type="text"/>	Budget Adjustment Attached? <input type="text"/>	

V20130812

Previous Ordinance or Resolution # _____

Original Contract Number: _____

Comments:

Paul A. Behm 11-1-13

Paul a. Behm 11-1-2013

Jim Mann 11-4-13

David Jordan 11/5/13

11-01-13 P02:43 RCVD

dmw





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CITY COUNCIL AGENDA MEMO

To: Mayor Lioneld Jordan and City Council

From: Greg Tabor, Chief of Police

Date: Friday, November 1, 2013

Subject: Police Department Policies

PROPOSAL:

Staff seeks Council approval to adopt Fayetteville Police Department Policies: 1.2.4, Domestic Violence; 33.1, Training; 41.2.8, Vehicular Pursuit; 41.2.9, Foot Pursuit; 41.2.11, Use of Department Vehicles; 61.1, Traffic Enforcement, and; 61.3, Traffic Direction and Control.

RECOMMENDATION:

Council approves a resolution adopting Fayetteville Police Department Policies: 1.2.4, Domestic Violence; 33.1, Training; 41.2.8, Vehicular Pursuit; 41.2.9, Foot Pursuit; 41.2.11, Use of Department Vehicles; 61.1, Traffic Enforcement, and; 61.3, Traffic Direction and Control.

BUDGET IMPACT:

None

BACKGROUND and DISCUSSION:

The Fayetteville Police Department is in the process of reviewing all of our policies and updating as necessary to conform to best practices and to comply with accreditation standards. Policy 41.2.9, Foot Pursuit, is a new policy. The remaining policies have revisions that were either recommended by Commission on Accreditation for Law Enforcement Agencies (CALEA) assessors, and are needed for accreditation compliance, or are in keeping with best practices in law enforcement. The revisions are highlighted.

GT:jf

RESOLUTION NO. _____

A RESOLUTION APPROVING FAYETTEVILLE POLICE DEPARTMENT POLICIES 1.2.4 DOMESTIC VIOLENCE, 33.1 TRAINING, 41.2.8 VEHICULAR PURSUIT, 41.2.11 USE OF DEPARTMENT VEHICLES, 61.1 TRAFFIC ENFORCEMENT AND 61.3 TRAFFIC DIRECTION AND CONTROL

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves Fayetteville Police Department policies 1.2.4 Domestic Violence, 33.1 Training, 41.2.8 Vehicular Pursuit, 41.2.11 Use of Department Vehicles, 61.1 Traffic Enforcement and 61.3 Traffic Direction and Control.

PASSED and APPROVED this 19th day of November, 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

POLICIES, PROCEDURES, AND RULES

Subject: 1.2.4 Domestic Violence	Effective Date: November 15, 2011
Reference: 42.1.1	Version: 1
CALEA:	No. Pages: 3

I. PURPOSE

To establish clear policy and procedural directives for officers responding to domestic violence calls.

II. POLICY

It is the policy of this department to treat all acts of domestic violence as criminal conduct. Therefore, an officer's objective(s) in responding to domestic violence calls shall be to protect victims from further violence, enforce state laws against violators, and arrest offenders where applicable.

A. Arresting Domestic Violence Offenders

An officer has the authority to make an arrest with or without a warrant for domestic abuse as provided in Rule 4.1 (a)(iv) of the Arkansas Rules of Criminal Procedures.

1. A law enforcement officer may arrest a person without a warrant if the officer has reasonable cause to believe that such person has committed acts which constitute domestic abuse as defined by law against a family or household member and which occurred within twelve (12) hours preceding the arrest.
2. An officer may arrest a person without a warrant for other offenses as defined by law against a family or household member that do NOT involve injury and which occur within four (4) hours preceding arrest to include arrests for Harassment, Harassing Communications, Trespassing, Assault, or Terroristic Threatening.
3. Although officers shall exercise discretion in responding to domestic violence calls, arrest shall be the preferred action in cases involving physical violence and/or domestic battering as stated in Ark. Code Ann. 16-81-113.

III. DEFINITIONS

A. Domestic Violence - Domestic violence is generally defined as the infliction of physical harm, bodily injury or assault, or the fear of imminent physical harm, bodily injury or assault, by one family or household member on another.

B. Wife or Spouse Abuse - Wife or spouse abuse is usually defined as acts of violence or recurring assaults between sexual partners, married and unmarried, who are living together or who previously lived together.

C. The Domestic Abuse Act of 1995 - The Domestic Abuse Act of 1995 amended the statutes formerly titled "Wife Battering." They are now entitled, "Domestic Battering" and they include family and household members in the class of persons protected.

D. Family or Household Member (F/HM) - The "family or household member" relationship must be proven in any Domestic Battering crime. Ark. Code Ann. 5-26-302 defines "family or household member" as including:

1. Spouses or former spouses;
2. Parents and children;
3. Persons related by blood within the fourth degree of consanguinity;
4. Persons who presently or in the past have resided or cohabited together;
5. Any child residing in the household;
6. Persons who have or have had a child in common, and;
7. Persons who are presently or in the past have been in a dating relationship together.

E. Physical Abuse - The act of striking, threatening, harassing or interfering with the personal liberty of any family or household member by any other family or household member, but excluding reasonable discipline of a minor child by a parent or guardian of such a minor child.

V. ASSOCIATED OFFENSES

Although not exclusively limited to domestic abuse situations, these four crimes are frequently associated with domestic abuse and often involve family or household members:

- A. Stalking;
- B. Terroristic Threatening;
- C. Harassment, and;
- D. Harassing Communications.

VI. PROCEDURES

1. Patrol Responsibilities – When possible, priority will be given to domestic disputes. Officers will respond immediately and coordinate their approach with the appropriate backup. Officers should obtain all available information from the dispatcher before arriving at the scene.
2. The Decision to Arrest - Officers shall affect an arrest, based on probable cause and supported by the statements of the victim or witness, of abusers in domestic situations in the following circumstances:
 - a. Where a felony has been committed;
 - b. Where the officer is aware of a past history of assaults committed by the abuser and there is probable cause to believe another assault has occurred;
 - c. Where a physical assault has occurred and there is evidence of either alcohol or drug abuse;
 - d. Where any weapon was used to inflict the injury, or was used to intimidate or threaten the victim;

- e. Where an assault has occurred and, if the officer takes no action, there is strong likelihood that further violence or injury might result;
 - f. In cases where the conditions of a protective order have been violated;
 - g. Offenses committed in the presence of the officer, or;
 - h. Where there are valid warrants on file.
3. Protective Orders - Orders of Protection are generally issued by the court when domestic violence has occurred. There are three types of court orders typically used to protect victims of domestic abuse:
 - a. Orders of Protection
 - b. Mutual Restraining Orders
 - c. No Contact conditions of release.
 4. Enforcement of Arkansas Orders - Orders of Protection issued in any Arkansas court shall be enforced by law enforcement wherever a violation occurs. An Arkansas order is valid throughout the state, regardless of which court issued the order.
 5. Enforcement of Out of State Orders – Orders of Protection issued by courts located outside of Arkansas will be enforced in Arkansas, provided the form of the order meets the "full faith and credit" requirements; Ark. Code Ann. 9-15-302 requires the issuing court must have had valid jurisdiction, the respondent must have had reasonable notice and opportunity for a hearing, and evidence of this is found on the face of the order.
 6. Violations of Orders of Protection - When orders of protection are violated, the enforcement procedures differ according to the type of order and the issuing court.
 - a. Violation of an order of protection is a separate criminal offense charged when an order of protection (issued by the chancery court) is violated. Under this statute, a law enforcement officer can make a warrant less arrest if the officer has probable cause to believe a person:
 - (1) Is the subject of an order of protection and
 - (2) Has violated the terms of the order, even if the officer did not witness the violation. (NOTE: An officer exercising due care and acting in good faith in making an arrest for domestic abuse has immunity from civil liability.)
 - b. ACIC Requirements - The Arkansas Crime Information Center maintains a registry of all orders of protection and temporary orders of protection issued by a state court, or registered in the state.
 7. Officers shall conduct a thorough investigation of the domestic violence incident and include the following evidence when available (FPD 42.1.1):
 - a. Incident report including documentation of injuries of the victim(s);
 - b. Evidentiary articles that substantiate the incident;
 - c. Physical evidence of the crime scene itself;
 - d. Medical reports;
 - e. Photographs of visible injuries on the victim;
 - f. Photograph and diagram of the crime scene, and;
 - g. Audio/video recordings (9-1-1, MVR, etc.).

POLICIES, PROCEDURES, AND RULES

Subject: 33.1 Training	Effective Date: July 7, 2010
Reference:	Version: 1
CALEA: 33	No. Pages: 6

I. Purpose

The purpose of this directive is to establish procedures for the Fayetteville Police Department Training Program. The training program should be administered with three overall purposes in mind. First, well trained officers are generally better prepared to act decisively and correctly in a broad spectrum of situations. Second, training results in greater productivity and effectiveness. Third, training fosters cooperation and unity of purpose.

II. Policy

A. Administration

1. The training function of Fayetteville Police Department will be administrated by the Training Coordinator.

- a. The Training Coordinator is the supervisor assigned to the training division.
- b. The Training Coordinator's function is to ensure that the quality and quantity of training meet the goals of the department.
- c. The Training Coordinator shall develop and evaluate training needs based on input from each division.

2. The following guidelines will apply to training attendance: [CALEA 33.1.2]

- a. The Training Coordinator will notify supervisors of upcoming training as soon as possible so that all personnel who may be required to attend the training will have as much advanced notice as possible. Supervisors will ensure information is disseminated to affected personnel in a timely manner.
- b. The Training Coordinator or supervisor may grant exceptions to attendance for reasonable excuses of conflicting nature to include court appearance, illness, departmental business and personal emergency. Personnel unable to attend mandatory training will be required to attend a scheduled make-up training session.
- c. The Training Coordinator will document attendance of all personnel for all training programs [CALEA 33.1.6].
- d. Course coordinators will ensure that documentation of personnel who successfully complete any training course is submitted to the Training Coordinator. The Training Coordinator will then update the employee's training file and will ensure

that the proper course documentation is forwarded to the Arkansas Commission on Law Enforcement Standards and Training (CLEST) [CALEA 33.1.6].

- e. All Fayetteville Police Department personnel attending training courses outside the department shall submit documentation of attendance to the Training Coordinator [CALEA 33.1.6].
- f. Reimbursements to employees attending training in respect to mileage, meals, housing, fees, books or materials will be provided in the Travel and Training Policy of the City of Fayetteville [CALEA 33.1.3].
- g. The refusal or failure to complete the assigned training can result in disciplinary action against the employee.

3. Lesson plans for all training courses conducted by the Fayetteville Police Department will include the following: [CALEA 33.1.4 a-d]

- a. A statement of performance and job related objectives.
- b. The content of the training and specification of the appropriate instructional techniques.
- c. A process for approval of lesson plans.
- d. Identification of tests used in the training process.

4. The department recognizes remedial training may be necessary to ensure employees do not suffer from deficiencies in basic skills, knowledge and abilities required to perform their assigned tasks: [CALEA 33.1.5]

- a. When, based on sound evidence, a supervisor has identified by testing or inspecting job performance that an employee has demonstrated a deficiency in basic ability to perform assigned tasks, and the supervisor has reason to believe that such deficiency may be corrected, he may direct that employee, in writing, to attend a specific remedial training program [CALEA 26.1.4(a)].
- b. The supervisor will identify such programs through the Training Coordinator.
- c. As soon as is practical, the employee will take part in a training session to address the noted deficiency.
- d. Failure by the employee to correct the deficiency may result in disciplinary action.

5. It is important the Fayetteville Police Department maintain records of each training class it conducts, document employee participation and, at a minimum, record the following: [CALEA 33.1.6]

- a. Course content in the form of lesson plans provided by course instructors [CALEA 33.1.7 a].
- b. Names of agency attendees [CALEA 33.1.7 b].
- c. Performance of individual attendees as measured by tests, when administered [CALEA 33.1.7 c].

B. Police Training Academy

1. All officers of the Fayetteville Police Department must meet mandatory basic training requirements. The department will meet the following requirements that apply and will maintain a positive relationship with the state's training academies: [CALEA 33.2.3]

- a. As required by Arkansas Statute 12-9-106, the Fayetteville Police Department will utilize state approved law enforcement training academies for the purpose of providing basic training to all officers.
- b. The Training Coordinator, in a liaison role, is responsible for maintaining a positive working relationship with the staff of the state's law enforcement training academies [CALEA 33.4.3 d].
- c. As set forth in Arkansas Statute 12-9-107, the Training Coordinator will provide input to the Arkansas Commission on Law Enforcement Standards and Training (CLEST) regarding the academies' curriculum.
- d. As prescribed in Arkansas Statute 12-9-107, the expenses of attending the basic training at state academies shall be furnished by the state. The department will be responsible for officers' salary and travel related to attending the state academy.
- e. Newly hired officers are considered full-time employees of the City of Fayetteville and shall retain all the benefits thereof.

2. Newly hired officers will participate in a departmental orientation period overseen by the Training Coordinator in addition to academy requirements to include: [CALEA 33.2.4]

- a. An overview of the operations of the Fayetteville Police Department, an introduction to the local criminal justice system, defensive tactics and an introduction to firearm safety and proficiency.
- b. A portion of the orientation will be dedicated to the study of the Fayetteville Police Department's Policies, Procedures and Rules with special emphasis to the policies concerning Use of Force, Pursuit Driving, Office of Professional Standards, Harassment in the Workplace and Racial Profiling Prohibited.

C. Training Implementation

1. Personnel assigned to the training function as instructors must be certified by the State of Arkansas and must receive training to include: [CALEA 33.3.1 a-e]

- a. Lesson plan development
- b. Performance objective development
- c. Instructional techniques
- d. Testing and evaluation techniques
- e. Resource availability and use.

2. All officers of the Fayetteville Police Department will complete or have completed a basic law enforcement training academy program prior to assignment in any capacity in which the officer is allowed to carry a weapon or is in a position to make an arrest [CALEA 33.4.1].

3. In addition to completion of a basic law enforcement training academy program, newly sworn officers will also be required to complete a Field Training Officer (FTO) Program:

- a. The FTO program curriculum is an ever-changing curriculum based on tasks of the most frequent assignment-associated duties of the officers [CALEA 33.4.2 a].
- b. The Training Coordinator operates the FTO program and provides supervision of officers in training and the Field Training Officers [CALEA 33.4.3 c].

- c. Each officer must meet achievement standards in the FTO program that are documented in the FTO manual and measure competency in required skills, knowledge and abilities [CALEA 33.4.2 b].
- d. In addition to academy training, officers of the department must successfully complete a formal FTO program lasting a minimum of **eighteen** weeks. Officers with prior law enforcement experience may complete the FTO program in a **minimum of twelve weeks**, as determined by their level of competency and approved by the Chief of Police [CALEA 33.4.3 a].
- e. While in the FTO program, officers will be scheduled in a rotation of shift assignments in order to provide them with various job experiences [CALEA 33.4.3 f].

4. Selection criteria and duties of Field Training Officers of the Fayetteville Police Department:

- a. Candidates for Field Training Officer must have a minimum experience level of three years with the Fayetteville Police Department [CALEA 33.4.3 b.].
- b. Field Training Officer candidates are selected based on leadership qualities demonstrated in the field and must satisfactorily complete a **thirty-two** hour course in Field Training and become certified by CLEST [CALEA 33.4.3 b, c].
- c. Supervisors are encouraged to submit recommendations for future Field Training Officers to the Training Coordinator [CALEA 33.4.3 b.].
- d. Officers who desire assignment to the Field Officer Training Program as FTOs must complete a Shift Change/Assignment Request Form and submit it to the Patrol Captain. This should include a statement documenting reasons the officer should be considered. A written recommendation from the officer's immediate supervisor must be attached [CALEA 33.4.3 b.].
- e. Only officers recommended as a Field Training Officer will be considered. Submitted requests will be maintained on file for six months. Qualified officers will be considered for available FTO positions. Selection will be based on a combination of years of service, supervisor recommendation, and review of performance evaluations. The Training Coordinator will make FTO recommendations through the chain of command. The Chief of Police will ultimately determine assignments to the FTO program [CALEA 33.4.3 b.].
- f. Field Training Officers will follow the guidelines of the FTO Training Manual and supervision of the Training Coordinator when training an officer [CALEA 33.4.3 g].
- g. Field Training Officers are responsible for documentation of the officer's progress and deficiencies and will work with other Field Training Officers in formal reporting to the Training Coordinator [CALEA 33.4.3 h].

5. Officers of the Fayetteville Police Department will be required to complete annual retraining through the following: [CALEA 33.5.1]

- a. Annual retraining mandated by the State of Arkansas as coordinated through the training division.
- b. Departmental Policy updates provided by Administration and through each employee's supervisor.
- c. Legal updates on changes with emphasis on those changes that most affect law enforcement operations.

6. Shift Briefings have been a valuable and steady tool for the department to supplement the training function on a formal and informal basis: [CALEA 33.5.2]

- a. The Training Coordinator will be responsible for the supervision of all materials developed, produced and distributed during formal shift briefing training sessions.
- b. All lesson plans for formal shift briefing training sessions must be implemented and scheduled through the Training Coordinator.
- c. The Training Coordinator will maintain a record and copy of all formal shift briefing training session materials and lesson plans.
- d. Any person or division providing formal shift briefing training sessions will be required to document attendees and, in turn, provide such documentation to the Training Coordinator and CLEST.
- e. Informal shift briefings training sessions may be utilized as a means to offer refresher training. These sessions do not require the documentation described above and may be authorized as a shift supervisor deems necessary.

7. When applicable, the departments' Accreditation Manager(s) will ensure agency personnel shall receive information regarding the accreditation process: [CALEA 33.5.3]

- a. To all newly hired personnel within thirty days after beginning employment or within thirty days after completing the training academy [CALEA 33.5.3 a].
- b. To all agency personnel during the self-assessment phase associated with achieving initial accreditation [CALEA 33.5.3 b].
- c. To all agency personnel prior to an on-site assessment [CALEA 33.5.3 c].
- d. These requirements may be achieved through the process of the Training Coordinator, the FTO Program, classroom instruction and orientation, via e-mail or memorandum.
- e. Agency employees assigned to the position of Accreditation Manager shall receive formal training within one year of being appointed [CALEA 33.5.4].

8. Officers of the Fayetteville Police Department must meet specialized training requirement by position: [CALEA 33.6.1]

- a. Non-ranking officer assigned to specialized divisions other than patrol will be provided on-the-job training as overseen by that division's supervisor. In addition, training courses for this level of personnel will be identified by the supervisor and coordinated through the Training Coordinator.
- b. Officers assigned to Motorcycle and Bicycle Patrol must successfully complete departmentally approved training prior to assignment in either capacity.
- c. Officers assigned to the department's Emergency Response Team (ERT) must meet the specified requirements and training as outlined in Fayetteville Police Department Policy 46.2.1 [CALEA 33.6.2].
- d. Officers assigned to the department's Crises Negotiation Team will train periodically and will be overseen by the team's respective supervisor.

9. Civilian employees of the Fayetteville Police Department must meet the following requirements related to training:

- a. Civilian employees must receive information regarding the agency's role, purpose, goals, policies and procedures [CALEA 33.7.1 a].
- b. Civilian employees will receive information pertaining to working conditions, regulations, responsibilities and rights of employees [CALEA 33.7.1 b, c].
- c. Civilian employees assigned to the Communications Division must successfully complete a comprehensive training program including lesson plans, examinations and exercises as well as attend ongoing monthly in-service training and seminars [CALEA 33.7.2].
- d. Civilian employees assigned to the Records Division will be provided in-service training to include the issuance of a task specific training manual [CALEA 33.7.2].

10. The Career Development function of the Fayetteville Police Department shall be a central part of training and implemented using the following guidelines:

- a. All newly promoted personnel will receive job related training commensurate with their new duties within the first year following promotion [CALEA 33.8.2].
- b. The department's career development program will further be strengthened and enhanced by formal training under the direction of the Training Coordinator as well as formal educational opportunities through the City of Fayetteville Education Reimbursement Policy when in effect [CALEA 33.8.3].

POLICIES, PROCEDURES, AND RULES

Subject: 41.2.8 Vehicular Pursuit	Effective Date: September 4, 2012
Reference:	Version: 1
CALEA: 41.2.2	No. Pages: 6

I. PURPOSE

The purpose of this policy is to state the guidelines to be followed during vehicular pursuit. (Note: In instances where there is no Field Supervisor on-duty, the wording "Shift Supervisor" applies throughout this policy.)

II. POLICY

Vehicular pursuit of fleeing suspects presents a danger to the lives of the public, officers, and suspects involved in the pursuit. It is the policy of this department to protect all persons' lives to the extent possible when enforcing the law. In addition, it is the responsibility of the department to assist officers in the safe performance of their duties. To effect these obligations, it shall be the policy of the department to narrowly regulate the manner in which vehicular pursuit is undertaken and performed.

The professional, well-trained, and well-disciplined officer is aware that the decision to terminate a pursuit is determined under those circumstances in which the most intelligent and professional course of action would probably result in saving the life of a citizen or fellow officer. Any officer's or supervisor's decision not to pursue or to terminate a pursuit will not be subject to review or discipline.

III. DEFINITIONS

A. Vehicular Pursuit: For the purposes of this policy, pursuit is defined as an active attempt by an officer operating an emergency vehicle and simultaneously utilizing all emergency equipment to apprehend the occupant(s) of another moving vehicle, when the driver of a fleeing vehicle is aware of the attempt and is resisting apprehension by increasing his speed or disobeying traffic laws. Following a vehicle that is being operated legally, but ignoring the law enforcement officer's attempt to stop them, does not constitute a pursuit.

B. Supervisor/Field Supervisor: For the purposes of this policy, Supervisor/Field Supervisor excludes the rank of Corporal.

IV. PROCEDURES

A. Initiation of Pursuit [CALEA 41.2.2 a.]

1. Any law enforcement officer in an authorized emergency vehicle may initiate a vehicular pursuit only when **ALL** of the following criteria are met:

- a. The decision to initiate pursuit must be based on the pursuing officer's conclusion that the immediate danger to the public created by the pursuit is less than the immediate or potential danger to the public should the suspect remain at large;
- b. When an officer reasonably believes that the suspect exhibiting the intention to avoid arrest by using a vehicle to flee apprehension has committed a serious felony or is suspected of DWI. For the purposes of this policy, a serious felony shall be restricted to the following offenses: Murder, Robbery, Burglary, Kidnapping, Rape, Aggravated Assault, Battery 1st Degree, Battery 2nd Degree, Felony Domestic Cases, and any other felony offense which involves the use or threat of physical force or violence against another person. Facts gathered after initiation of a pursuit will not be considered part of the justification to initiate a pursuit;
- c. The suspect operating the vehicle refused to stop at the direction of the officer;
- d. The officer's unit is not occupied by a prisoner, suspect, complainant, witness, civilian observer, or any person not a law enforcement officer; and
- e. The officer intending to pursue is equipped with a marked patrol unit. Exceptions to this will only occur with supervisory approval and should be limited to special circumstances.

2. The pursuing officer shall have considered and come to the conclusion that the following factors would not increase the danger to the lives of the public, officers, or suspects involved in or affected by the pursuit:

- a. The performance capabilities of the pursuit vehicle;
- b. The condition of the road surface upon which the pursuit is being conducted;
- c. The amount of vehicular and pedestrian traffic in the area;
- d. Weather conditions; and
- e. The officer's own driving skills and knowledge of the roadway. (The officer should know his or her driving abilities and limitations and should not exceed them.)

B. Pursuit Officer Responsibilities [CALEA 41.2.2 b.]

1. The pursuing officer shall immediately notify communications center personnel that a pursuit is underway. The officer shall provide communications personnel with the following information:

- a. Unit identification;
- b. Location, approximate speed and direction of travel of the fleeing vehicle;
- c. Description and license plate number, if known, of the fleeing vehicle;
- d. Number of occupants in the fleeing vehicle and descriptions, where possible;
- e. Reasons supporting the decision to pursue, and;
- f. Updates to location and direction of travel as the pursuit continues.

2. Failure to provide this information to communications personnel may result in an immediate decision by a field supervisor assigned to monitor the pursuit to order its termination.

3. The primary pursuit unit shall reduce the level of pursuit to that of support, backup, or other assignments as directed by a supervisor when another vehicle has been assigned primary pursuit responsibility.

4. Any primary or backup unit sustaining damage or failure of essential vehicular equipment during pursuit shall not be permitted to continue in the pursuit. The unit shall notify communications so that another unit may be assigned to the pursuit. A unit shall terminate pursuit at any time it appears that a defect has developed in the police vehicle, which would in any way affect the safe operation of that vehicle, including loss of any emergency equipment.

C. Communications Center Responsibilities [CALEA 41.2.2 e.]

1. Upon notification that a pursuit is in progress, communications personnel shall immediately advise a field supervisor of essential information regarding the pursuit.

2. Communications personnel shall carry out the following activities and responsibilities during the pursuit:

- a. Receive and record all incoming information on the pursuit and the pursued vehicle;
- b. Control all radio communications and clear the radio channels of all non-emergency calls;
- c. Obtain criminal record and vehicle checks of the suspects when information is available;
- d. Coordinate and dispatch backup assistance under the direction of the field supervisor; and
- e. Notify neighboring jurisdictions, where practical, when pursuit may extend into their locality.

D. Field Supervisor Responsibilities during Vehicular Pursuit [CALEA 41.2.2 f.]

1. Upon notification that a vehicular pursuit incident is in progress, the field supervisor shall assume responsibility for the monitoring and control of the pursuit as it progresses.

2. The field supervisor shall continuously review the incoming data to determine whether the pursuit should be continued or terminated. The field supervisor shall permit a pursuit to continue only if all criteria required to initiate the pursuit continues to be met.

3. The field supervisor shall order the termination of a pursuit for any of the following circumstances:

- a. Anytime the supervisor concludes that the danger to the pursuing officers or the public outweighs the necessity for immediate apprehension of the suspect;
- b. When the suspect's identity is established to the point where later apprehension may be accomplished and when there is no immediate threat to public safety;
- c. When officers lose all radio communications with: Fayetteville Dispatch, Washington County Dispatch or the Field Supervisor;
- d. When a vehicular pursuit becomes prolonged in recognition of the increased risk associated with the overall population density and volume of vehicular traffic in Fayetteville, unless the supervisor determines that further pursuit is justified to respond to an immediate threat to public safety;
- e. Weather or traffic conditions substantially increase the danger of pursuit beyond the worth of apprehending the suspect;

- f. The distance between the pursuit and fleeing vehicles is so great that further pursuit is futile;
- g. The fleeing vehicle travels the wrong direction on any freeway, freeway frontage road, or divided highway; or
- h. For any other reason a supervisor deems necessary.

4. In controlling the pursuit incident, the field supervisor shall be responsible for coordination of the pursuit as follows [CALEA 41.2.2 c.]:

- a. Directing pursuit vehicles into or out of the pursuit;
- b. Re-designation of primary, support, or other backup vehicle responsibilities;
- c. Approval or disapproval, and coordination of pursuit tactics; and
- d. Approval or disapproval to leave jurisdiction to continue pursuit.

5. The field supervisor may approve and assign additional backup vehicles to assist the primary and backup pursuit vehicles based on an analysis of [CALEA 41.2.2 c.]:

- a. The nature of the offense for which pursuit was initiated;
- b. The number of suspects and any known propensity for violence;
- c. The number of officers in the pursuit vehicles;
- d. Any damage or injuries to the assigned primary or backup vehicles or officers;
- e. The number of officers necessary to make an arrest at the conclusion of the pursuit; and
- f. Any other clear and articulated facts that would warrant the increased hazards caused by numerous pursuit vehicles.

E. Traffic Regulations during Pursuit

1. Each unit authorized to engage in vehicular pursuit shall be required to activate headlights and all emergency vehicle equipment prior to beginning pursuit [CALEA 41.2.2 d.].

2. Officers engaged in pursuit shall at all times drive in a manner exercising reasonable care for the safety of themselves and all other persons and property within the pursuit area.

3. Officers are permitted to suspend conformance with normal traffic regulations during pursuit as long as reasonable care is used when driving in a manner not otherwise permitted and is reasonably necessary to gain control of the suspect.

F. Pursuit Tactics

1. Unless expressly authorized by a field supervisor, a pursuit will involve no more than three units to include the primary unit, a back-up unit, and a supervisor [CALEA 41.2.2 c.]. Officers are not otherwise permitted to join the pursuit team or follow the pursuit on parallel streets. However, officers are permitted to attempt to terminate the pursuit with deployment of Stop Sticks [CALEA 41.2.3 a.].

2. Officers may not intentionally use their vehicle to bump or ram the suspect's vehicle, unless "Deadly Force" is justified [CALEA 41.2.3 a.].

3. Departmental policy pertaining to use of deadly force shall be adhered to during the pursuit.

4. Boxing in a suspect's vehicle or heading off a suspect's moving vehicle is unauthorized [CALEA 41.2.3 a.].

5. Roadblocks are unauthorized [CALEA 41.2.3 a.].

6. K-9 units and motorcycles are prohibited from initiating, engaging in and/or following vehicle pursuits unless authorized by a supervisor [CALEA 41.2.2 d.].

G. Termination of Pursuit [CALEA 41.2.2 g.]

1. A decision to terminate pursuit may be the most rational means of preserving the lives and property of both the public and the officers and suspects engaged in pursuit. The pursuing officer, the field supervisor, or any higher-ranking supervisor to the field supervisor may terminate the pursuit.

2. The pursuit shall be immediately terminated in any of the following circumstances:

- a. When the officer concludes that the danger to the pursuing officer(s) or the public outweighs the necessity for immediate apprehension of the suspect;
- b. If the suspect's identity or probable identity is established to the point where later apprehension may be accomplished and where there is no immediate threat to the safety of the public or police officers;
- c. When officers lose all communications with: Fayetteville Dispatch, Washington County Dispatch or the Field Supervisor;
- d. When a vehicular pursuit becomes prolonged in recognition of the increased risk associated with the overall population density and volume of vehicular traffic in Fayetteville, unless the supervisor determines that further pursuit is justified to respond to an immediate threat to public safety;
- e. Weather or traffic conditions substantially increase the danger of pursuit beyond the worth of apprehending the suspect;
- f. The distance between the pursuit and fleeing vehicles is so great that further pursuit is futile;
- g. The fleeing vehicle travels the wrong direction on any freeway, freeway frontage road, or divided highway; or
- h. For any other reason a supervisor deems necessary.

3. The pursuing officer shall relay suspect information to communications personnel along with any further information acquired which may assist in an arrest at a later date.

H. Inter-jurisdictional Pursuits [CALEA 41.2.2 h.]

1. Pursuits Originated by Fayetteville Police Department

- a. The pursuing officer shall notify communications when it is likely that a pursuit will continue into a neighboring jurisdiction or across the state line.
- b. Regarding our pursuits entering other jurisdictions, our units will maintain their pursuit positions in their efforts to bring the pursuit to conclusion.
- c. Pursuit into a bordering state shall conform to the department's inter-jurisdictional pursuit agreement, if existent, and state law.

2. Pursuits Originated by Other Agencies

- a. Since it is almost impossible to know all circumstances surrounding another agency's decision to pursue, or the charges pending against the pursued driver in the short period of time we are notified of the pursuit, Fayetteville Police units will assume a backup role in pursuits conducted through our jurisdiction by other law enforcement agencies.
- b. Pursuits by other agencies through our jurisdiction terminate for Fayetteville Police Officers at the city limits, unless specifically authorized by a supervisor to proceed outside of our jurisdiction.
- c. If another agency specifically requests our assistance in their pursuit, the dispatcher will attempt to get all of the known information and charges pending against the driver.
- d. Once the field supervisor is informed of the specific charges by communications, an immediate decision shall be made by the field supervisor on the continuation of the pursuit by Fayetteville Police units outside our jurisdiction. In any event, as other jurisdictions join the pursuit to assist the originating agency, Fayetteville Police units shall cease their participation.

I. Reporting Procedures

1. Officers involved in a pursuit or involved in the deployment of a tire deflation device are required to complete a report.
2. The field supervisor shall prepare a comprehensive review of the pursuit and forward through the chain of command to the Deputy Chief for review [CALEA 41.2.2 i.] [CALEA 41.2.3 e.].
3. The Administrative Lieutenant will be responsible for maintaining pursuit records and for retaining records according to the retention schedule. The Administrative Lieutenant is responsible for conducting a documented annual analysis of pursuit reports [CALEA 41.2.2 j.].
4. The Administrative Lieutenant will be responsible for conducting an annual review of pursuit policies and reporting procedures [CALEA 41.2.2 k.].

FAYETTEVILLE POLICE DEPARTMENT
FAYETTEVILLE, ARKANSAS

POLICIES, PROCEDURES, AND RULES

Subject: 41.2.9 Foot Pursuit	EffectiveDate:
Reference: 41.1.1, 41.2.8	Version: 1
CALEA:	No. Pages: 4

I. PURPOSE:

The purpose of this policy is to establish a balance between protecting the safety of the public and officers of the Fayetteville Police Department (FPD) during police pursuits on foot and law enforcement's duty to enforce the law and apprehend suspects.

II. POLICY

Foot pursuit is defined as an officer chasing (on foot) a person who is evading detention or arrest. Foot pursuits are inherently dangerous police actions. It is the policy of this department that public and officer safety shall be the overriding consideration in determining whether a foot pursuit will be initiated or continued. Officers of the Fayetteville Police Department should conduct a quick and continuous risk assessment whenever engaging in or continuing a foot pursuit. This policy is intended to provide overall direction and guidance to officers when deciding if such foot pursuits are warranted and how they should be conducted.

III. PROCEDURES

A. Authorization

1. Although it is an officer's decision to initiate a stop, it is the suspect or violator who decides to precipitate a foot pursuit by fleeing. An officer's decision to pursue on foot shall be made with an awareness of and appreciation for the risk to which the officer and others may be exposed.
2. No officer or supervisor shall be criticized or disciplined for a decision not to engage in a foot pursuit if, in the officer's assessment, the risk exceeds that

reasonably acceptable under the provisions of this and related department policy and training.

3. When necessary, an officer may pursue persons who he/she reasonably believes has committed an act that would warrant a stop, investigative detention, or arrest.
4. The officer shall not leave a prisoner to pursue any subject.

B. Alternatives to Foot Pursuits

1. In deciding whether or not to initiate or continue a foot pursuit, an officer shall consider the following alternatives to foot pursuit:
 - a. Containment of the area;
 - b. Additional officers to saturate the area;
 - c. Surveillance until other resources become available, and;
 - d. Apprehension at another time and place when the officer knows the identity of the fleeing subject or has other information that would likely allow for later apprehension.
2. The decision to initiate or continue a foot pursuit requires weighing the need to apprehend the fleeing subject against the degree of risk to which the officer, the fleeing subject, and the community are exposed to as a result of the pursuit. Risk factors to consider include:
 - a. If the subject is believed to be armed;
 - b. Seriousness of the subject's offense;
 - c. Officer acting alone;
 - d. Backup is not available in a timely manner;
 - e. Officer familiarity with the area;
 - f. Officer is pursuing more than one subject;
 - g. Officer not in physical condition to pursue subject on foot;
 - h. Ability to apprehend at a later time (identity is known);
 - i. Radio operability, and;
 - j. Location:
 - 1) Nature of the area which impacts the safety of all those who may be affected by the pursuit (residential, commercial, freeway);
 - 2) Conditions of structures (abandoned, condemned, etc.);
 - 3) Environmental factors (weather conditions and/or darkness), and;
 - 4) Area of pursuit is hostile to law enforcement personnel.

C. Pursuing Officer Responsibilities

1. Once an officer decides to engage in a foot pursuit, the officer must, as soon as practical, relay the following information to Central Dispatch Center (CDC):
 - a. Officer identifier;
 - b. Location (continuing responsibility);
 - c. Direction of travel (continuing responsibility);
 - d. Number of fleeing subjects;
 - e. Description of fleeing subject(s);
 - f. Whether the subject(s) is believed to be or known to be armed, and;
 - g. Reason for pursuing.
2. The pursuing officer shall coordinate with other officers to establish a perimeter for containment.
3. Based on the officer's risk assessment, and using his/her discretion, he/she should consider the following:
 - a. Maintaining a sufficient tactical gap between him/herself and the fleeing subject to allow time for maintaining cover and allow for the arrival of backup officers before engagement, and;
 - b. Not entering a building, structure or an area of limited or no cover without a backup officer present.
4. When two or more officers are in pursuit, they shall not separate unless they remain in sight of each other and/or maintain continuous communication.

D. Supervisor Responsibilities

Supervisors shall:

1. Monitor the pursuit and direct available resources to provide for the swift and safe apprehension of the subject;
2. When possible, respond to the scene;
3. Terminate any foot pursuit where the risk to the officer, the public, or the fleeing subject outweighs the need for the foot pursuit, and;
4. Consider and coordinate the use of specialized units/personnel to aid in the apprehension (canine, Emergency Response Team following containment, etc.).

E. Communication Responsibilities (CDC)

Dispatchers shall:

1. Maintain open communications with involved officer(s);
2. Immediately direct the net (10-63) for the involved officer(s);
3. Immediately dispatch backup officers to the pursuit location;
4. Notify a supervisor and provide relevant information, and;
5. If necessary, notify other area public service agencies.

F. Assisting Officers' Responsibility

Assisting officers shall:

1. Minimize radio traffic prior to arrival;
2. Adhere to emergency mode of vehicle operation outlined in FPD 41.1.1, and;
3. Assist other responding officers to set up a perimeter and containment. Generally, the first assisting officer on the scene shall be responsible for this task. The officer who begins to coordinate a perimeter and containment should maintain that function until the foot pursuit has ended or been terminated, or until relieved from that duty by a supervisor.

G. Termination of Foot Pursuits

1. Officers shall terminate a foot pursuit:
 - a. When ordered by a supervisor;
 - b. If the officer believes the danger to the pursuing officer(s), the public, or the fleeing subject outweighs the necessity for the immediate apprehension of the subject;
 - c. If the officer(s) has lost sight of the fleeing subject(s) and all attempts at apprehension have been exhausted;
 - d. If the primary officer loses communication with CDC and backup officers;
 - e. If the officer becomes unsure of his/her own location or direction of travel, or;
 - f. The officer has lost his/her firearm.
2. After termination of a foot pursuit, the involved officer(s) will notify CDC of the last known location of the fleeing subject, or in cases of apprehension, the location of apprehension.

POLICIES, PROCEDURES, AND RULES

Subject: 41.2.11 Use of Department Vehicles	Effective Date: November 8, 2012
Reference: 41.2.8, 41.2.13	Version: 1
CALEA: 41.3.1, 41.3.2, 53.1.1	No. Pages: 4

I. Purpose

The purpose of this policy is to establish guidelines for the use and operation of vehicles owned, leased or operated by the Fayetteville Police Department.

II. Policy

Officers and employees of this department shall operate department vehicles in a legal, safe and courteous manner. Employees shall not abuse or misuse department vehicles and equipment. Employees are responsible for the care and maintenance of vehicles in their control. Employees shall make proper use of vehicle safety equipment while operating department owned or authorized vehicles.

III. Procedures

A. Vehicle Safety Inspection - Patrol vehicles shall be inspected on a daily basis by the officer assigned to the vehicle. [CALEA 53.1.1]

1. Deficiencies shall be noted and brought to the attention of a supervisor to make a determination as to whether the vehicle should be removed from service until repaired. Repair requests will be completed on vehicle maintenance requests.
2. Equipment required for patrol vehicles will be replenished or repaired upon inspection or as needed.
3. The inspection will be documented **on vehicle inspection forms.**

B. Vehicle Equipment

1. Patrol vehicles will be conspicuously marked and outfitted with the following specifications: [CALEA 41.3.1]
 - a. Exterior mounted operational emergency lights
 - b. Siren
 - c. Agency's name in reflective materials
 - d. Unit number
 - e. Reflective striping on sides
2. Equipment required for patrol vehicles will be replenished or repaired upon inspection or as needed [CALEA 41.3.2].

- a. The department will assign a primary and secondary supervisor to monitor equipment needs and deficiencies through the use of inspections and the daily vehicle inspection process. Assigned supervisors will be listed on the Duty Assignment Roster.
 - b. Vehicles will be inspected daily by officers assigned to the unit. Officers are required daily to report any vehicle deficiencies or deficient items in writing to their shift supervisor.
 - c. Those supervisors assigned as primary on the Duty Assignment Roster for unit supplies/unit inspections will oversee an annual inspection of vehicles and vehicle equipment and report the results through memorandum to the patrol captain.
 - d. Items reported as being deficient will be replenished by a shift supervisor through the Quartermaster System.
3. Equipment for patrol vehicles to maintain operational readiness includes but is not limited to [CALEA 41.3.2]:
- a. Fire extinguisher
 - b. Tire deflation device
 - c. Spare tire/jack
 - d. 50 ft. measuring tape and rolling tape measure
 - e. Blanket
 - f. Crime scene tape
 - g. Paper towels and bags
 - h. Personal protective equipment – gloves, masks, shoe covers, tyvex suit
 - i. Radar unit and tuning forks
 - j. Digital camera
 - k. VL removal tool
 - l. Prisoner leg straps/belly chain
 - m. First Aid Kit
 - n. Disinfectant
4. Supervisor patrol vehicles will contain a door entry breaching kit. [CALEA 41.3.2]:
- C. Take Home Units- Officers will be assigned either a marked or unmarked vehicle for use according to the responsibilities of the officer's position and the needs of the department (i.e. canine units, drug task force officers, etc.).
1. To serve as a crime deterrent, take home units that are marked will be parked in the officer's driveway or an openly prominent location at the officer's residence.
 2. The assignment of a take home unit is a privilege, not a right, and can be revoked at any time. Assignment of a take home unit is determined by the Chief of Police.
 3. No alcoholic beverages are to be consumed or carried in take home units, nor are they to be driven after the officer has been consuming alcoholic beverages.
 4. While off duty, officers will not take law enforcement action to address a minor violation. The off duty officer in a marked unit should be prepared to assist in traffic control on motor vehicle collisions until assigned officers arrive.
 - a. While off duty, officers in take home units must carry their credentials and service weapon.
 - b. While off duty, officers in take home units will dress in such a manner as to not discredit the department should they have to perform in a professional capacity.
 5. Use of take home vehicles is limited to commuting to and from work, court, training, and other approved functions or other de minimis use.

6. Take home vehicles can be driven to department approved extra jobs requiring performance of law enforcement duties.
 - a. Assigned vehicles will not be used to patrol private property. The vehicle will be parked at a suitable location while security/protective services are being performed.
- D. Command vehicles are assigned to Captains whose responsibilities are critical to the operational efficiency of the police department, and the use of command vehicles is determined by the Chief of Police. Captains must be able to communicate with the department at all times and are subject to immediate response when needed. Command vehicles may be marked or unmarked as determined by the Chief of Police.
- E. Special Purpose Vehicles [CALEA 41.1.3]
1. Motorcycles, bicycles, the ERT Transport Vehicle, and any other non-conventional vehicles shall be considered special-purpose vehicles of the Fayetteville Police Department and shall be treated accordingly.
 2. The above mentioned special-purpose vehicles shall only be operated by authorized and assigned personnel that have completed or are undergoing required training as determined by the Fayetteville Police Department. In the event of a life threatening situation, sworn personnel not typically authorized may make use of a special-purpose vehicle.
 3. The supervisor assigned over the unit of primary use of each special-purpose vehicle shall be responsible for required maintenance and for the determination and upkeep of required equipment to be kept in or on the vehicle.
- F. Vehicle Operation
1. Employees shall operate department vehicles in a careful and prudent manner. Unsafe, negligent or reckless driving is prohibited. Traffic laws and department policies shall be followed unless emergency circumstances warrant otherwise.
 2. Department vehicles will be kept clean and serviceable at all times (i.e. washed, vacuumed, fueled, etc.).
 3. Seatbelt usage – refer to 41.2.13
 4. When parked and/or unattended, department vehicles, when practical, shall be properly secured by:
 - a. Locking the doors
 - b. Ensuring the windows are up
 - c. Ensuring any firearm in the vehicle is locked/secured
 5. Due to the nature of law enforcement work, officers are allowed to eat and/or drink in department vehicles; however, the vehicles must be kept clean of debris and trash by the end of the shift.
 6. Passengers will generally be limited to police officers, city employees or other governmental officials. However, limited transportation of others is permissible, such as the transportation of an immediate family member to school or work or other incidental transportation needs. Exceptions to this rule include detainees, persons needing assistance, persons authorized in a ride along, persons assisting the officer or other persons with approval of a supervisor.
 7. Formal citizen ride along passengers in patrol vehicles must be authorized by written approval of the Chief or his designees. Authorization and protocol for a formal citizen ride along program are as follows:

- a. An “Indemnify, Defend and Hold Harmless” agreement must be signed by the citizen wishing to participate in a ride along.
 - b. The citizen shall only be permitted to ride with personnel approved by a supervisor.
 - c. The citizen shall be at least eighteen years of age prior to approval.
 - d. Sworn supervisors acting as the Chief’s designee must sign the form to complete the requirement of written approval.
 - e. The supervisor shall route the completed form to the administrative secretary by the end of their shift. The form shall be filed and stored in Police Administration.
 - f. The citizen shall follow the directives of the patrol officer to whom they may be assigned.
 - g. The citizen shall remain in the patrol unit unless the officer directs the citizen that it is safe to exit the unit. The citizen shall not exit the vehicle on any “high risk” calls to which they may be assigned. This includes family violence calls unless no elements of risk are present nor are expected and only a reporting procedure is necessary.
 - h. Under no circumstances will a citizen be present in a patrol vehicle involved in any aspect of a pursuit.
8. Employees are prohibited from taking department vehicles outside the city limits of Fayetteville. Exceptions to this rule include:
- a. Following up on an investigation, with supervisor approval
 - b. Police pursuit (Further reference can be made to 41.2.8, Pursuit policy)
 - c. Completing an assignment, with supervisor approval
 - d. Picking up supplies
 - e. Going to court
 - f. Take home units authorized by the Chief of Police
 - g. Attending meetings, training, etc.
9. Department vehicles may only be used for secondary employment when it is for a pressing public need, and not solely to benefit the private employer. Request to use police vehicles for secondary employment must be approved by the Chief or Deputy Chief of Police prior to any such use.
- a. Before approving the use of department vehicles, the following factors will be considered:
 - 1) The threat or perceived threat of violence at the location or in the area;
 - 2) The deterrent to crime;
 - 3) The crime rate at the location or in the area;
 - 4) The call volume at the location or in the area;
 - 5) Criminal activity, such as drug activity, public intoxication, disorderly conduct, and assaults at the location or in the area, and;
 - 6) The availability of vehicles.

POLICIES, PROCEDURES, AND RULES

Subject: 61.1 Traffic Enforcement	Effective Date: May 1, 2012
Reference: 61.1.11, 61.3	Version: 1
CALEA: 61	No. Pages: 5

I. Purpose

The purpose of this policy is to establish the procedures that enable the Fayetteville Police Department to execute its traffic related responsibilities and services. The department's activities are specifically directed toward reducing violations through preventive patrol and active enforcement, and our standards govern the relationships that exist with motorists, pedestrians, courts, and prosecutors.

II. Policy

A. Traffic Enforcement

1. The prevailing goal of the Fayetteville Police Department's traffic enforcement efforts shall be the reduction and prevention of traffic collisions. The following measures shall be taken with that goal in mind [CALEA 61.1.1]:

- a. The patrol captain or designee will periodically review and compare traffic collision data [CALEA 61.1.1 a].
- b. The patrol captain or designee will oversee compilation and review of traffic enforcement activities data using the department's traffic records system [CALEA 61.1.1 b].
- c. The patrol captain or designee will compare collision data with that of traffic enforcement activities data with the overall purpose to develop the best implementation of selective traffic enforcement [CALEA 61.1.1 c].
- d. Traffic complaints taken from the public shall also be taken into consideration.
- e. Areas and specific times of the day and week where multiple collisions have occurred or where complaints have been validated shall be identified. Information will be provided by the patrol captain or his designee to the patrol lieutenants who shall oversee selective assignments of enforcement personnel. [CALEA 61.1.1 d] Traffic enforcement personnel may be assigned with the purpose of combating the problem areas identified [CALEA 61.1.1 e].
- f. The patrol captain or his designee will evaluate these areas where selective traffic enforcement assignments were made and identify and document reductions in traffic collisions and traffic complaints [CALEA 61.1.1 f].

2. Officers of the Fayetteville Police Department are required to take appropriate enforcement actions incidental to traffic law violations and should do so in a firm, fair, and impartial manner.

Officers have the discretion to address traffic violations committed by residents and non-residents through warnings, citations, and physical arrests. It shall be at the officer's discretion as to which approach is taken where most traffic violations are concerned. Warnings may be issued when circumstances warrant, especially in the case of inadvertent violations. In the majority of cases, the issuance of a traffic citation is applicable for most minor traffic violations. A physical arrest is the preferred method in all cases where sufficient probable cause exists that an operator of a motor vehicle is DWI or DUI [CALEA 61.1.2, 61.1.3a].

3. This policy establishes procedures for officers in their response to violators of specific types of classifications [CALEA 61.1.3]:

- a. It is the policy of Fayetteville Police Department that in the case of traffic violations involving juveniles, juveniles may be warned, ticketed, or arrested if justified. Warnings may be issued when circumstances warrant, especially in the case of inadvertent violations. The issuance of a traffic citation is applicable for most minor traffic violations. A physical arrest is the preferred method in all cases where sufficient probable cause exists that a juvenile is DWI or DUI. For arrest protocol, officers shall follow the protocol set forth in 44.1.1 Juvenile Operations Policy [CALEA 61.1.3 b].
- b. By law, members of the United States Congress and the Arkansas Legislature are immune from arrest during their attendance at the session of their respective houses of the legislature and when going to and returning from these sessions, except in cases of treason, felony, and breach of the peace. Officers should exercise good judgment and discretion when facing traffic violators that fall in this category. [CALEA 61.1.3 c].
- c. Actions that may be taken regarding foreign diplomats, consular officials, and their staff members depend on the person's status. All persons who may have a legitimate claim to some sort of immunity should carry diplomatic identification issued by the U.S. State Department. It is the expectation of the Fayetteville Police Department and this policy that all dealings with such persons shall be handled with courtesy and respect and an awareness of the importance of avoiding an incident that will reflect unfavorably on our city, state, and country. Diplomatic and Consular Privileges differ upon category. If enforcement action is considered justified and required, a traffic citation is the preferred release method. Each category of official may be issued a traffic citation; however, certain categories of officials cannot be arrested or prosecuted due to immunities. Officers and supervisors faced with criminal charges on these officials should contact supervisory personnel of our Criminal Investigation Division for guidance [CALEA 61.1.3 d].
- d. Military personnel may be issued warnings, traffic citations, and may be arrested under the same circumstances as other violators in most cases. In cases where military personnel are legitimately in transport to an active duty station under orders of their commanding officer and when a physical arrest is at stake, officers should consult their supervisor. The supervisor will assist in making an appropriate determination based on a review of the military person's paperwork, communication with commanding officers that may apply, and review of Arkansas State Law 16-81-102 where immunity to arrest may apply [CALEA 61.1.3 e].

4. Officers of the Fayetteville Police Department will utilize electronic ticketing, when possible, at the time motorists are charged with violations. Fayetteville Police support personnel will provide patrol continued support in the operations of electronic ticketing. Officers shall provide the following information to motorists relating to the specific charge [CALEA 61.1.4]:

- a. Court appearance date [CALEA 61.1.4 a.];
- b. A determination of optional or mandatory nature of court appearance by the motorist [CALEA 61.1.4 b.];
- c. Notice of whether the motorist is allowed to pay the fine by mail or at the police department [CALEA 61.1.4 c.], and;
- d. Other pertinent information that must be provided to the motorist prior to release [CALEA 61.1.4 d.].

5. It is the goal of this policy to provide officers with a consistent approach toward traffic law violations [CALEA 61.1.5]:

- a. It is the policy of the Fayetteville Police Department to aggressively enforce situations involving the operation of a vehicle by a driver under the influence of alcohol or drugs. A physical arrest is the preferred method in these situations. Officers will be guided by Fayetteville Police Policy 61.1.11 DWI, DUI [CALEA 61.1.5 a.].
- b. Officers encountering operators driving with a suspended or revoked driver's license based on a previous DWI are encouraged to make a physical arrest. Operators whose license has been suspended for other reasons may be issued a citation, but officers should ensure they don't continue to drive the vehicle [CALEA 61.1.5 b.].
- c. Officers of the Fayetteville Police Department shall be afforded discretion when deciding upon speeding violations. Officers may give consideration to weather conditions, the subject's manner of driving, traffic volume, location of the offense, and any pedestrian location in determining the appropriate course of action [CALEA 61.1.5 c.].
- d. Officers should be attuned to other hazardous violations that can result in motor vehicle collisions, injury, and death. Officers are asked to remain alert and to take appropriate actions with violators [CALEA 61.1.5 d.].
- e. Officers should be attuned to non-hazardous and non-moving violations. In these types of cases, officers are afforded discretion in ensuring violators understand the laws [CALEA 61.1.5 h.].
- f. Officers must also be prepared to deal with off-road vehicle violations. In these situations, officers must weigh potential impacts of the vehicle's actions, city ordinances, and state laws [CALEA 61.1.5 e.].
- g. Officers should be mindful of equipment violations of operators and be willing to take enforcement action. In many of these cases, operators in these situations may be displaying an overt disregard for the law and safety of others [CALEA 61.1.5 f.].
- h. In dealing with commercial vehicle violations, officers should be mindful of state laws regarding commercial drivers' licenses. Officers may utilize the Arkansas State Police, the Arkansas Highway Police, and the Department of Transportation [CALEA 61.1.5 g.].
- i. Officers may encounter violators that have violated multiple laws. This is often the case involving DWI offenses. Officers should be mindful of these different violations and cite or warn accordingly while documenting the various violations [CALEA 61.1.5 i.].
- j. Officers should understand that newly enacted laws and regulations will occur. The department's administration and supervisors will assist in identifying these newly enacted laws and introduce them during shift briefings, via email, and with new policies when necessary. Supervisors should keep an open mind with newly enacted laws and show a willingness to discuss them with their subordinates [CALEA 61.1.5 j.].

- k. Officers are expected to stay informed of current traffic law. Officers shall understand the difference between primary and secondary violations listed in state statutes and will not stop a vehicle based solely on a secondary violation.
- l. Investigating officers will have discretion and make all reasonable attempts to establish fault in motor vehicle collisions and may issue a citation or make a physical arrest when warranted [CALEA 61.1.5 k.].
- m. Officers should be familiar with state laws and city ordinances that govern the movement of pedestrians and bicycles. Officers are afforded the discretion to issue citations when practical and to take opportunities to educate persons when in the best interest of the safety of that person and the public [CALEA 61.1.5 l.].

6. The following will govern traffic law enforcement practices for the Fayetteville Police Department [CALEA 61.1.6]:

- a. Officers assigned to patrol will perform area traffic patrol assignments within their assigned patrol beats (area, line or directed) [CALEA 61.1.6 a.].
- b. Officers are permitted, independently or through orders, to conduct stationary observation of traffic. This can be conducted in either covert or overt fashion [CALEA 61.1.6 b.].
- c. Officers will use standard marked patrol units when making law enforcement traffic stops. Unless exigent circumstances are present, unmarked vehicles shall not be used to make law enforcement traffic stops [CALEA 61.1.6 c.].

7. The majority of violators contacted by police may be ordinary citizens who may form their opinion of the police department based on this one encounter. Officers shall engage in a professional manner in their contacts [CALEA 61.1.8]:

- a. Officers should extend a customary greeting to each person on stops, and officers should identify themselves by name and jurisdiction and explain the reason for the stop.
- b. Officers should afford the person the opportunity to provide their explanation of their driving behavior.
- c. Officers should attempt to politely ask for the person's identification and remain courteous while projecting a professional demeanor during the interview or questioning.
- d. Officers should minimize conflict with the violator while facilitating a professional interaction.

8. Routine enforcement, collision reporting, and investigation activities frequently lead to the discovery of drivers who have suspected incompetence, physical or mental disability, disease, or other conditions that might prevent the person from exercising reasonable care over a motor vehicle. An officer having grounds to believe a driver is incompetent shall forward report documentation with an attached letter to Arkansas Driver Control of the Office of Driver Services [CALEA 61.1.12].

9. Parking enforcement of the Fayetteville Police Department will be carried out in the following categories to include routine patrol, parking complaints, traffic hazards, and special events [CALEA 61.1.13]:

- a. Officers assigned to patrol should use sound judgment and appropriate discretion when encountering parking violations of their own observation ;

- b. Officers responding to a complaint of a parking violation should first investigate to determine the validity of the complaint and take appropriate action (warning, citation, towing, etc);
- c. Officers responding to a complaint where a traffic hazard exists shall attempt to locate the operator to remove it before towing the vehicle;
- d. Officers may often encounter parking violations during special events. Generally, the supervisor in charge of the event will have contingency plans for parking issues in areas of our venues. Officers should report newly found parking issues during the special event.

B. Safety Checkpoints - Roadside safety checks when used will be part of a directed patrol assignment. They are required to be planned and supervised by a ranking officer of this department [CALEA 61.1.6 d.].

1. Checkpoints are an effective means of enforcing the laws of the State of Arkansas while protecting all motorists. Safety Checkpoints will be conducted within the following parameters:
 - a. Each checkpoint must be conducted in a location furnishing adequate visibility for motorists traveling in either direction. When considering the location, the consideration for officer and public safety is paramount.
 - b. A pull-off area safe zone will be established for vehicles traveling both directions.
 - c. Marked units with activated emergency lights will be stationed at each end of the checkpoint area.
 - d. A supervisor of the department will be required to administer the safety check point.
2. Officers assigned to a safety checkpoint will abide by the following rules:
 - a. Officers are required to wear reflective vests.
 - b. Officers are to cautiously approach all vehicles and to be alert to suspicious movements and actions of the occupants.
 - c. Officers will allow the driver and occupants to remain inside their vehicle unless their removal from the vehicle is necessary due to facts leading the officer to reasonably suspect that: a crime has been or is being committed; the person presents some danger to the officer or others; or the person is armed and presently dangerous.
 - d. Officers are instructed to advise the driver of the vehicle, "This is a police safety checkpoint."
 - e. Officers should then check the vehicle operator's driver's license and vehicle registration.
 - f. Officers should take any action deemed necessary or appropriate.
 - g. Officers should close the stop by thanking the vehicle operator for his cooperation and by promptly releasing the vehicle and occupants unless an arrest is made.

Note: It should be noted that in the case of working in conjunction with the Arkansas State Police, the requirements set forth in this policy meet the requirements of the Arkansas State Police.

FAYETTEVILLE POLICE DEPARTMENT
FAYETTEVILLE, ARKANSAS

POLICIES, PROCEDURES, AND RULES

Subject: 61.3 Traffic Direction and Control	Effective Date: May 1, 2012
Reference: 61.1	Version: 1
CALEA: 61	No. Pages: 4

I. Purpose

The purpose of this policy is to establish the procedures that enable the Fayetteville Police Department to execute its traffic related direction and control responsibilities and services.

II. Policy

A. Traffic Direction and Control

1. The following protocol will govern performance of agency activities related to traffic engineering. Goals of this identification and reporting should be directly related to the discovery and remedy of collision and congestion hazards [CALEA 61.3.1]:

- a. Officers of the Fayetteville Police Department that observe what is believed to be a traffic engineering deficiency, or investigate a collision which is caused by a deficiency, should report it to the City of Fayetteville Transportation Division [CALEA 61.3.1 a.].
- b. The Patrol Captain shall include a summary of collision and enforcement data in the annual traffic report which will be provided to the City of Fayetteville Transportation Division [CALEA 61.3.1 b.].
- c. When requested, the department will participate in local and regional transportation system management planning and will provide a department representative to serve on active planning boards. Fayetteville Police will participate in criminal justice planning committees and will provide a department representative to active planning committees [CALEA 61.3.6].

2. The following protocol will pertain to traffic direction and control [CALEA 61.3.2]:

- a. Traffic collisions often leave roadways partially or fully blocked. Officers should perform the following at a collision scene of this variety [CALEA 61.3.2 a.]:
 - (1) Officers should first attempt to protect the collision scene by properly positioning their police vehicles while using adequate emergency lighting.
 - (2) Officers may require and may therefore request additional officers to assist in directing traffic until the roadway can be cleared.

- (3) Officers at the scene should coordinate their traffic direction to eliminate confusion on the part of motorists.
 - (4) In cases of fatal or serious collisions, it may be necessary to completely or partially block the roadway for an extended time. The use of barricades, as well as additional officers, is authorized for such collisions.
- b. Officers of the Fayetteville Police Department will make use of the following uniform hand signals and gestures for manual traffic direction when working traffic: [CALEA 61.3.2 b.]
- (1) Officers should take charge of traffic and provide clear and professional gestures.
 - (2) Officers should stand with a confident and balanced posture. When not providing signals, officers should let their hands hang easily at their sides.
 - (3) For stopping traffic, officers should first point with their arm and finger while looking directly at the driver he or she intends to stop. Officers should watch the driver and hold this point until the driver sees them. Officers should then raise their pointed hand and palm toward the driver and maintain until the driver comes to a safe stop.
 - (4) Once the officer has halted traffic, the officer should hold that hand in the stop position while turning to the other side. To start traffic, officers should point with their arm and finger toward the car they desire to start and hold until they gain the driver's attention. With the officer's palm up, the officer should swing their hand up and over to their chin while bending the arm at the elbow.
- c. Officers may be requested to assist with traffic direction at scenes of critical incidents [CALEA 61.3.2 c.]:
- (1) Officers, depending on assignment and self-initiated determination, may be asked to divert traffic flow away from the incident, stop traffic from entering, or bring traffic out of the area of the incident.
 - (2) Officers shall ensure motorists/citizens follow instruction and shall ensure they are not allowed to interfere with officials or apparatus. When assisting the fire department, officers shall prevent motorists from driving over fire hoses.
- d. Officers will also be required to assist during periods of adverse road and weather conditions. Severe weather can cause trees and other debris to block roadways that require traffic control by police. Flooding may occur, and ice and snow may make roadways impassible. Officers encountering roadway traffic hazards should initially block the affected roadway with their patrol car. Officers may be required to work traffic manually, using uniformed hand signals described in this policy, or by accessing and manually operating the traffic light box. Officers may need to request assistance from street department personnel who can be contacted by radio or telephone by Central Dispatch Center [CALEA 61.3.2 d.].
- e. Traffic light locations may at times need manual operation by officers in times of special events, ballgames, or adverse weather conditions. Typically, officers will be assigned manual operation of traffic control devices during a planned event or will be dispatched at times where a need arises [CALEA 61.3.2 e.].
- f. Officers will at times make use of temporary traffic control devices that may include barricades, traffic cones, and illuminating instruction signs. During special events and ballgames with heavy traffic, these will normally be placed in the form of planned assignments. Temporary traffic control devices can also be requested and

placed during serious collisions and for critical incidents that occur on a random basis [CALEA 61.3.2 f.].

- g. Any Fayetteville Police Officer directing traffic, or in the roadway controlling traffic, will be required to wear their department issued reflective vest at all times [CALEA 61.3.2 g.].

3. The following protocol will govern escorts [CALEA 61.3.3]:

- a. Planned escorts will be channeled through the Special Events Division for approval and assignment of personnel. Planned escorts may include ballgame request escorts, protection escorts of dignitaries and public officials, escorts of emergency vehicles, escorts of oversized vehicles, or escorts of hazardous vehicles [CALEA 61.3.3 a.].
- b. Sudden requests for the aforementioned types of requests that were not planned or pre-approved will be channeled through the on-duty supervisor. These requests should be accommodated when at all possible and will depend on staffing levels weighted against circumstances surrounding safety issues and the nature of the assignment [CALEA 61.3.3 a.].
- c. Funeral escorts may be assigned to patrol by dispatch personnel as a routine function.
- d. Escorts of civilian vehicles in medical emergencies are not authorized. Officers shall have the option of letting the civilian vehicle proceed to the hospital on its own or call for emergency medical services to respond. In very extreme circumstances, officers may transport injured individuals to the hospital [CALEA 61.3.3 b.].

B. Other Services

1. The following protocol will govern the provision of assistance to individuals or **motorists** [CALEA 61.4.1]:

- a. Fayetteville Police Officers will provide **general** assistance to **motorists** in the following capacities [CALEA 61.4.1 a]:
 - (1) Officers performing routine patrol should stop and provide reasonable assistance to **motorists**.
 - (2) **Officers should demonstrate a willingness to provide the public with information and directions.**
 - (3) When en-route to a non-emergency call, officers should divert from that call and assist a stranded motorist where there is an appearance of emergency [CALEA 61.4.1 c].
- b. Officers should assist stranded motorists by calling for mechanical or towing services [CALEA 61.4.1 b].
 - (1) **When necessary for the safety of a stranded motorist, officers should position their unit(s) utilizing the police vehicle's emergency lights to assist in protecting the motorist from other traffic.**
- c. Officers should ensure the vehicle is towed and persons are safely moved in cases that involve a hazardous or dangerous location [CALEA 61.4.1 c].
- d. When necessary, officers will request the fire department or ambulance service through dispatch and provide assistance to the extent possible [CALEA 61.4.1 d].

2. Roadway hazards are contributing factors in many traffic collisions. The following will provide protocol for taking action to correct hazardous highway and road conditions [CALEA 61.4.2]:

- a. Officers who locate or are dispatched to debris on the roadway or roadside that is easily removable by one person are encouraged to utilize their emergency lighting and position their vehicle for safety purposes as they remove the debris from the roadway.
- b. For dealing with debris or animals that are larger or more problematic, officers should utilize dispatch to notify the appropriate city service to remove it. For debris on highways with faster moving traffic where there is a likelihood of a collision, the police department will make every attempt to provide traffic control until such time the debris can be removed.
- c. Officers locating or being dispatched to defects in the roadway, highway safety equipment, signs, or damaged mechanical traffic control devices should report to dispatch in order to make proper and immediate notification.

3. The Fayetteville Police Department will utilize the department's website, social networking sites and various media outlets for dissemination of traffic safety information to the public. The Department's Community Oriented Policing Division will be in charge of this service [CALEA 61.4.4].

